REMARKS/ARGUMENTS

Claims 1-60 are pending in the present application.

This Amendment is in response to the Office Action mailed August 21, 2006. In the Office Action, the Examiner rejected claims 1-60 under 35 U.S.C. §102(e). Claims 1, 13, 25, 37, and 49 have been amended. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1-60 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,490,249 issued to Aboul-Magd ("Aboul-Magd"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of anticipation.

Aboul-Magd discloses an adaptive connection admission control scheme for packet networks. A hybrid connection admission control (CAC) function combines both the mathematical and the measurement aspects of the traffic (Aboul-Magd, col. 3, lines 37-40). The computation of the equivalent bit rate (EBR) depends on the traffic expected and the QoS parameter of interest (Aboul-Magd, col. 4, lines 58-60). The actual utilization is measured as the average load on the link per service class measured on a regular interval basis (Aboul-Magd, col. 5, lines 3-5). The rates assigned to the different bandwidth pools are based on the expected traffic pattern. The sum of the pool rates could be made equal to or, greater, or smaller than the link rate to allow for over-booking or under-booking (Aboul-Magd, col. 6, lines 12-16).

Aboul-Magd does not disclose, either expressly or inherently, (1) a first estimator to estimate an equivalent cell rate (ECR) based on description of the connection request, the description including a booking factor; (2) a second estimator to estimate a measured utilization factor for admitted connections in the network using measurements of data streams arriving at queues and the booking factor; (3) a controller to generate an admission decision for the connection request comprising (a) an addition request processor to generate the admission decision based on a request resource equal to a product of the ECR and the booking factor, and a resource allocation rule using a hierarchical resource organization, and (b) a resource updater to

update a resource reservation using the ECR, the booking factor, and the estimated measured utilization factor.

The Examiner states that Aboul-Magd teaches a controller to generate an admission decision based on the estimated ECR and the estimated measured utilization factor, citing Aboul-Magd (col. 7, lines 30-58). Applicants respectfully disagree. The cited portions merely state that during those periods with low activity, the main factor in deciding the admission of the incoming request is the part of the admission criterion related to the mathematical CAC (Aboul-Magd, col. 7, lines 48-51), and during busy periods, an incoming request will only be granted if and only if both parts of the admission criterion are satisfied (Aboul-Magd, col. 7, lines 59-63).

Furthermore, Abou-Magd does not disclose, either implicitly or explicitly, an addition request processor to generate the admission decision based on a request resource using the ECR and the booking factor. Abou-Magd merely discloses setting the over- and under- booking factors to some pre-determined values. The over- and under- booking factors are merely the upper and lower limits to account for the interruption of traffic and to limit the utilization to a provisioned pool capacity (Aboul-Magd, col. 6, lines 53-55, lines 31-33).

Moreover, Abou-Magd merely discloses setting the over-booking factor to 2 and the under-booking factors to 1 (Aboul-Magd, col. 7, lines 35-36). Since these are fixed, they cannot be used to compute the request resource which is a product of the ECR and the booking factor. To clarify this aspect of the invention, claims 1, 13, 25, 37, and 49 have been amended.

In addition, Abou-Magd does not disclose, either implicitly or explicitly, a resource updater to update a resource reservation using the ECR, the booking factor, and the estimated measured utilization factor. The admission decision is merely based on whether or not the mathematical CAC or both parts are satisfied, thus there is no updating of a resource reservation.

To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Since the Examiner failed to

show that <u>Aboul-Magd</u> teaches or discloses any one of the above elements, the rejection under 35 U.S.C. §102 is improper.

Therefore, Applicants believe that independent claims 1, 13, 25, 37, 49 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejection(s) under 35 U.S.C. §102(e) be withdrawn.
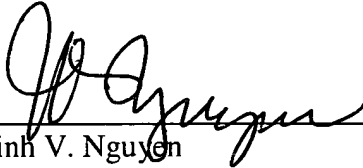
Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: November 21, 2006   By_____

Thinh V. Nguyen
Reg. No. 42,034
Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025